

Monte J. White & Associates, PC
Monte J. White
1106 Brook Ave, Hamilton Place
Wichita Falls, TX 76301
(940)723-0099
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IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
WICHITA FALLS DIVISION

IN RE:	§ CASE NO. 13-70325-HdH-13
	§
Pedro Martinez	§
and	§ JUDGE HARLIN D. HALE
Brenda Sue Martinez	§
	§ HEARING DATE: 4/16/2014
DEBTORS	§ HEARING TIME: 10:30 A.M.

NOTICE OF HEARING, PRE-HEARING CONFERENCE
AND ATTACHED MODIFICATION OF PLAN AFTER CONFIRMATION

NOTICE OF HEARING

On 4/16/2014, which is at least twenty-eight (28) days from the date of service hereof, at 10:30 o'clock A.M. a HEARING on the above and foregoing "Modification of Plan After Confirmation" will be held before the Bankruptcy Judge in Room 208, U.S. Courthouse, 10TH AND LAMAR Street, WICHITA FALLS, Texas. Creditors are not required to attend unless they have objections to the Modification.

NOTICE OF PRE-HEARING CONFERENCE

A PRE-HEARING CONFERENCE will be held by the Trustee at 8:30 o'clock A.M. prior to the above hearing time at the following location 10TH AND LAMAR STREET, WICHITA FALLS, TEXAS. Hearings on Motions to Modify Plans with objections not resolved at the PRE-HEARING CONFERENCE will be heard by the Court at the scheduled Hearing time.

NOTICE is hereby given that pursuant to 11 USC 1329 the attached "Modification of Plan" dated 03/10/2014, will be approved by the Court as the Debtor(s) Modified Chapter 13 Plan Unless a party in interest files a written "Objection to the Modification" within twenty-one (21) days of service hereof, and the Debtor has made any subsequent payments required under the Modified Plan. An "Objection to Modification" shall be made in writing to the following: U.S. Bankruptcy Court, Clerks Office, 1100 Commerce Street Room 12A24, Dallas, TX 75242, with copies sent to Walter O'Cheskey, Chapter 13 Trustee, 6308 Iola, Lubbock, TX, 79424 and Debtor(s) Attorney at the above address.

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IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
WICHITA FALLS DIVISION

IN RE:

Pedro Martinez

and

Brenda Sue Martinez

DEBTOR(s)

§ CASE NO. 13-70325-HdH-13

§

§ HEARING DATE: 4/16/2014

§ HEARING TIME: 10:30 A.M.

FIRST MODIFICATION OF CHAPTER 13 PLAN AFTER CONFIRMATION

DATE: 03/10/2014

Pursuant to 11 USC 1329, the Debtor(s) (per the undersigned attorney) or the Standing Chapter 13 Trustee, requests the following Modification of Debtor(s) Confirmed Plan herein:

I. HISTORY OF THE CASE

1. Date Case Filed: 9/6/2013
2. Date of Section 341 Meeting: 10/4/2013
3. First Payment Date: 10/6/2013
4. Date of Confirmation: 10/28/2013
5. Total Plan Term Prior to this Modification: 60
6. Number of Months from First Payment Date through month prior to estimated month of Modification Approval: 6
7. Remaining Plan Term (subtract item 6 from the lesser of item 5 or 60 months): 54
8. Amount of Arrears through the month prior to the date the Modification is filed: NONE
9. Date plan payments are to resume: 4/6/2014
10. Total Payments Paid to the Trustee through the month prior to the date the Modification is filed with the clerk: \$4,600.00
11. Total payments due to the Trustee through the month prior to the date the Modification is filed with the clerk: \$4,600.00
12. Total Payments Due to the Trustee from the month the Modification is filed to the month the Modification is set for approval: \$920.00
13. List Dates of any Prior Orders Modifying, Interlocutory Orders, or Special Supervision Orders:

NONE

II. MODIFICATION REQUESTED

(CHECK 1 OR MORE OF THE FOLLOWING 4 CHOICES)

 x DECREASE monthly payment from \$920.00 per month to \$1,011.00 per month (must coincide with resume date shown in item 9 above)

Any arrearage indicated in item 8 above shall be cured by the following method: Debtor proposes to cure arrearage through March of \$920.00 by this plan modification to raise monthly plan payments starting in April 2014.

III. RESUMPTION OF PAYMENTS TO THE TRUSTEE

(All information below must be complete)

Payments can only change as of the month the modification is approved. Payments to the Trustee in the amount of \$1,011.00 will resume on or before 4/2014 for 54 months (item 7 above) remaining in the Modified Plan as of the date the modification is approved.

Base amount will change from \$55,200.00 to \$59,194.00

If the base amount has changed complete the following:

- | | |
|--|--------------------|
| 1. Total Paid in as of the month prior to Modification Approval: | \$ 4,600.00 |
| 2. (+)Plus Total Payments to be made through the Remainder of Plan:
(Making up any arrearage in item 9 above) | \$54,594.00 |
| 3. (=) New Base Amount | <u>\$59,194.00</u> |

IV. TREATMENT OF UNSECURED CREDITORS

Unsecured creditors are not guaranteed a dividend when a plan is confirmed. See general order 2007-2. Allowed general unsecured claims may receive a pro-rata share of the unsecured creditors' pool, but not less than the section 1325(a)(4) amount of non-exempt property less allowed administrative and priority claims, after the TRCC becomes final. A proof of claim must be timely filed to be allowed.

X The unsecured creditor pool remains \$0.

V. SECURED, PRIORITY OR SPECIAL CLASS TREATMENT

ADD/DELETE/SURRENDER/CHANGE the following Secured, Priority or Special Class Unsecured Creditor(s):

C/D;A=ADD;D = DELETE; S = SURRENDER; CF = CHANGE FROM; CT = CHANGE TO

A	S-Wells Fargo Bank, NA	Post-petition mortgage arrears	\$4,430.35	\$82.04 per month
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Note: Changes to any creditors above shall not be effective until the Modification is approved.

VI. ATTORNEY FEES

Debtor's attorney shall be allowed an additional fee for this Modification in the total amount of \$350.00 plus \$50.00 in costs, of which \$400.00 will be paid through the Plan by the Trustee;

VII. REASON FOR MODIFICATION

This modification is requested for the following reason(s): Per Agreed Order entered 3/4/2014.

VIII. BUDGET INFORMATION

At the time of filing this modification the debtor shall provide a filed marked copy of the current budget (schedules I & J) and the three most recent pay stubs to the Trustee.

N/A

Respectfully submitted,

/s/Monte J. White
Attorney for Debtor(s)

CERTIFICATE OF SERVICE

I certify that a true copy of the above and foregoing Modification of Plan after Confirmation, Notice of Hearing and Pre-Hearing Conference has been served by me on 03/10/2014, on all parties on the attached matrix, by United States First Class Mail, proper postage affixed.

/s/Monte J. White
Attorney for Debtor(s)

Label Matrix for local noticing
0539-7
Case 13-70325-hdh13
Northern District of Texas
Wichita Falls
Mon Mar 10 15:51:56 CDT 2014

1100 Commerce Street
Room 1254
Dallas, TX 75242-1305

ALTAIR OF XIII, LLC
C O WEINSTEIN, PINSON AND RILEY, PS
2001 WESTERN AVENUE, STE 400
SEATTLE, WA 98121-3132

American Collection Service
3100 Sw 59th St
Oklahoma City, OK 73119-6416

American Collection Services, Inc.
3100 S. W. 59th
P.O. Box 44069
Oklahoma City, OK 73144-1069

American InfoSource LP as agent for
Midland Funding LLC
PO Box 268941
Oklahoma City, OK 73126-8941

Brenda Sue Martinez
3805 Parker Blvd
Wichita Falls, TX 76302-2136

Capital One Bank
Attn: Bankruptcy Dept.
PO Box 30285
Salt Lake City, UT 84130-0285

Capital One, N.A.
c o Becket and Lee LLP
POB 3001
Malvern, PA 19355-0701

City of WF, WFISD, Wichita Co
c/o Harold Lerew
P.O. Box 8188
Wichita Falls, Texas 76307-8188

Continental Credit Corp.
706 10th Street
Wichita Falls, TX 76301-3408

Continental/aka Security Finance Corp
SFC Centralized Bankruptcy/Continental 1
PO Box 1893
Spartansburg, SC 29304-1893

Dynamic Recovery Solution
PO Box 25759
Greenville, SC 29616-0759

Executive Services
Executive Services
PO Box 2248
Wichita Falls, TX 76307-2248

First National Bank
3801 Fairway
P.O. Box 94905
Wichita Falls, Texas 76308-0905

Ginnys/Swiss Colony Inc
Attn: Bankruptcy
1112 7th Ave
Monroe, WI 53566-1364

Hank Rugeley
900 Eighth Street Suite 1102
PO Box 99
Wichita Falls, TX 76307-0099

Harris & Harris Ltd
111 West Jackson B
Chicago, IL 60604-4135

(p)INTERNAL REVENUE SERVICE
CENTRALIZED INSOLVENCY OPERATIONS
PO BOX 7346
PHILADELPHIA PA 19101-7346

Integrity Solution Svc
20 Corporate Hills Dr
Saint Charles, MO 63301-3749

Jefferson Capital Systems LLC
PO BOX 7999
SAINT CLOUD MN 56302-7999

Kohls/capone
Po Box 3115
Milwaukee, WI 53201-3115

LVNV Funding, LLC its successors and assigns
assignee of General Electric Capital
Corporation
Resurgent Capital Services
PO Box 10587
Greenville, SC 29603-0587

Lvnv Funding Llc
Po Box 10497
Greenville, SC 29603-0497

Merchants Cr
223 W. Jackson Blvd.
Suite 400
Chicago, IL 60606-6974

Midland Funding
8875 Aero Dr Ste 200
San Diego, CA 92123-2255

Monterey Collection
4095 Avenida de la Plata
Oceanside, CA 92056-5802

NCO Finance /99
PO Box 15636
Wilmington, DE 19850-5636

National Credit System
Attn: Bankruptcy
PO Box 312125
Atlanta, GA 31131-2125

Palisades Collection, LLC
Vativ Recovery Solutions LLC, dba SMC
As Agent For Palisades Collection, LLC
PO Box 40728
Houston TX 77240-0728

Pedro Martinez
3805 Parker Blvd
Wichita Falls, TX 76302-2136

Postel Family Credit Union
PO Box 4825
Wichita Falls, TX 76308-0825

Progressive Financial Services
PO Box 22083
Tempe, AZ 85285-2083

SFC-Central Bankruptcy
P.O. Box 1893
Spartanburg, S.C. 29304-1893

Sun Loan Company
3146 5th St Ste H
Wichita Falls, TX 76301-1827

U S Dept Of Ed/fisl/at
Attn: Bankruptcy
61 Forsythe St Room 19T89
Atlanta, GA 30303-8928

U.S. Department of Education
P.O. box 16448
Saint Paul, MN 55116-0448

United States Trustee
1100 Commerce Street
Room 976
Dallas, TX 75242-0996

WICHITA FALLS CITY, ISD & WICHITA CO
C/O PERDUE BRANDON FIELDER COLLINS & MOT
PO BOX 8188
WICHITA FALLS TX 76307-8188

Wells Fargo Bank, N.A.
Attn: Bankruptcy Dept
MAC #D3347-014
3476 Stateview Blvd
Ft Mill, SC 29715-7203

Wells Fargo Bank, N.A.
P. O. Box 829009
Dallas, Texas 75382-9009

(p)WELLS FARGO BANK NA
WELLS FARGO HOME MORTGAGE AMERICAS SERVICING
ATTN BANKRUPTCY DEPT MAC X7801-014
3476 STATEVIEW BLVD
FORT MILL SC 29715-7203

West Asset Management
2703 N Highway 75
Sherman, TX 75090-2567

Monte J. White
Monte J. White & Associates, P.C.
1106 Brook Avenue
Hamilton Place
Wichita Falls, TX 76301-5009

Walter 12,13 Ocheskey
6308 Iola Avenue
Lubbock, TX 79424-2735

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified
by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g) (4).

IRS Special Procedures
1100 Commerce St., Room 951
Mail Stop 5029 DAL
Dallas, TX 75246

Wells Fargo Hm Mortgag
8480 Stagecoach Cir
Frederick, MD 21701

The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

(u)Postel Family Credit Union

(u)Wells Fargo Bank, N.A.

(d)Brenda Sue Martinez
3805 Parker Blvd
Wichita Falls, TX 76302-2136

(d)Pedro Martinez
3805 Parker Blvd
Wichita Falls, TX 76302-2136

End of Label Matrix
Mailable recipients 44
Bypassed recipients 4
Total 48